

Message Text

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14

ACTION ITC-01

INFO OCT-01 EA-09 ISO-00 EB-07 L-03 COME-00 TRSE-00 STR-04

CIAE-00 INR-07 NSAE-00 FTC-01 /033 W

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R 020900Z DEC 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3948

UNCLAS TOKYO 17761

E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: USITC INVESTIGATION IN JAPAN

REF: STATE 292260

1. WE HAVE DISCUSSED USITC WISH TO TAKE DEPOSITIONS IN JAPAN WITH SAITO OF MOFA AND AGREED IN THE INTERESTS OF EXPEDITING THE PROCESS TO REQUEST WRITTEN GOJ PERMISSION ON BEHALF OF USITC. THE EMBASSY INTERPRETS USITC POWERS TO DEPOSE AS FALLING WITHIN THE MEANING OF ARTICLE 17 SUB-SECTION 1, SB-SECTION E-II OF THE CONSULAR CONVENTION AND THUS BELIEVES NO GOJ PERMISSION IS TECHNICALLY REQUIRED. CITING AN EXPLANATION, HOWEVER, REPORTEDLY PROVIDED BY ZEITLER OF USITCAS TO QTE QUASI-JUDICIAL UNQTE NATURE OF JSITC, SAITO TOLD US GOJ WOULD HAVE TO QTE STUDY THE MATTER CAREFULLY UNQTE IF WE INSIST THAT USITC HAS THE RIGHT TO DEPOSE UNDER THE CONSULAR CONVENTION. ON CLEAR UNDERSTANDING WITH SAIT, THEREFORE, THAT OUR REQUEST FOR PERMISSION WILL NOT PREJUDICE OTHER OR FUTURE CASES, WE HAVE DECIDED UNLESS DEPARTMENT OR USITC OBJECTS, TO SEND FOLLOWING NOTE VERBALE TO MOFA (COMPLIMENTARY PHRASES ARE OMITTED).

2. QTE NO. 864 ON BEHALF OF THE USITC, HAS THE HONOR TO REQUEST THE PERMISSION OF THE GOVT OF JAPAN TO TAKE DEPOSITIONS OF REPRESENTATIVES OF THE FOLLOWING FIRMS IN JAPAN ACCORDING TO A SCHEDULE TO BE WORKED OUT BETWEEN THE FIRMS LISTED BELOW AND THE USITC. THE
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DEPOSITIONS ARE PURSUANT TO SECTION 210.31 OF THE RULES

OF PRACTICE AND PROCEDURE OF THE USITC AS APPLIED TO THE
MATTER OF CERTAIN COLOR TELEVISION RECEIVING SETS
INVESTIGATION NUMBER 337-TA-23 REFERRED TO IN THIS
EMBASSY'S NOTE VERBAL NUMBER 819. THE DEPOSITIONS WILL
BE TAKEN ON THE PREMISES OF THE U.S. EMBASSY AND IN
THE PRESENCE OF A CONSULAR OFFICER.

- 1) HITACHI LTD.
- 2) HITACHI KADEN HANBAI KABUSHIKI KAISA
- 3) SHARP CORPORATION
- 4) SANYO ELECTRC, INC.
- 5) SANYO ELECTRIC TRADING CO., LTD.
- 6) MITSUBISHI ELECTRC CORPORATION
- 7) TOKYO SHIBAURA ELECTRC COMPANY UNQTE.
HODGSON

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEPOSITIONS, INVESTIGATIONS, TELEVISION SYSTEMS, TRADE CONTROLS, RECEIVERS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TOKYO17761
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760446-1208
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761277/aaaacoty.tel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ITC
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 292260
Review Action: RELEASED, APPROVED
Review Authority: wolfsd
Review Comment: n/a
Review Content Flags:
Review Date: 26 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 MAY 2004 by hattaycs>; APPROVED <10 AUG 2004 by wolfsd>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: USITC INVESGITATION IN JAPAN
TAGS: ETRD, JA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006